



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

September 24, 2010

Ms. Michelle L. Villarreal
Assistant City Attorney
City of Waco
P.O. Box 2570
Waco, Texas 76702-2570

OR2010-14550

Dear Ms. Villarreal:

You ask whether certain information is subject to required public disclosure under the Public Information Act (the "Act"), chapter 552 of the Government Code. Your request was assigned ID# 394866 (Waco Reference No. LGL-10-953).

The City of Waco (the "city") received a request for information pertaining to a specified address and for information pertaining to a named individual. You state you have released redacted versions of the computer-aided dispatch ("CAD") reports pertaining to the specified address. You claim that portions of the submitted information are excepted from disclosure under section 552.101 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

Initially, we note you have not submitted information responsive to the portion of the request seeking information pertaining to the named individual. To the extent any information responsive to this portion of the request existed on the date the city received the request, we assume the city has released it. If the city has not released any such information, it must do so at this time. *See* Gov't Code §§ 552.301(a), .302; *see also* Open Records Decision No. 664 (2000) (if governmental body concludes no exceptions apply to requested information, it must release information as soon as possible).

Section 552.101 excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Gov't Code § 552.101. Section 552.101 encompasses section 772.318 of the Health and Safety Code. You contend the information you have marked in the submitted CAD reports is excepted under section 552.101 in conjunction with section 772.318 of the Health and Safety Code.

Chapter 772 of the Health and Safety Code relates to local emergency communications districts. Section 772.318 applies to an emergency 9-1-1 district established in accordance with chapter 772, and makes confidential the originating telephone numbers and addresses of 9-1-1 callers that are furnished by a service supplier. *See* Open Records Decision No. 649 (1996). You represent the city is within an emergency communication district that is subject to section 772.318.¹ You have marked telephone numbers and an address the city seeks to withhold under section 772.318. We find that to the extent the telephone number and address we have marked are the originating telephone number and address supplied by a 9-1-1 service supplier, this information must be withheld under section 552.101 of the Government Code in conjunction with section 772.318 of the Health and Safety Code. However, to the extent any of the information we have marked was not supplied by a 9-1-1 service supplier, section 772.318 is not applicable to this information, and it must be released to the requestor. The remaining information you have marked, which consists of a business telephone number, an emergency contact telephone number, and telephone numbers provided by the 9-1-1 caller herself, was not supplied by a 9-1-1 service supplier. Thus, these telephone numbers may not be withheld under section 552.101 of the Government Code in conjunction with chapter 772 of the Health and Safety Code. As no further exceptions to disclosure are claimed, the remaining information must be released to the requestor.

This letter ruling is limited to the particular information at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other information or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For more information concerning those rights and responsibilities, please visit our website at http://www.oag.state.tx.us/open/index_orl.php, or call the Office of the Attorney General's Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Act must be directed to the Cost Rules Administrator of the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,



Sarah Casterline
Assistant Attorney General
Open Records Division

SEC/eeg

¹Section 772.318 applies to an emergency communication district for a county with a population of more than 20,000.

Ref: ID# 394866

Enc. Submitted documents

c: Requestor
(w/o enclosures)